GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:7440
ANSWERED ON:15.05.2000
UNSCRUPULOUS LAWYERS
RAMJI MANJHI

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Supreme Court in a recent judgement has blamed the unscrupulous lawyers for the for the ill-treatment and harassment meted out to the witness in criminal cases adjourned again and again till the witness is won over or tried;

(b) if so, the details thereof;

(c) the details of safeguards available to such witnesses in the law and the status of witness as per law;

(d) whether the Government propose to amend the Act concerned to make the lawyers answerable to their conduct and to follow the dictates of the law to check harassment of witness and to delay the disposal of cases by taking undue adjournments;

(e) if so, the details thereof; and

(f) if not, the steps taken to implement the observations made by the Supreme Court in the said judgement?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS

(SHRI RAM JETHMALANI):

(a)and(b) As reported in the Hindustan Times dated 02.05.2000 under the caption `SC slams`unscrupulous lawyers``, the Supreme Court has blamed `unscrupulous lawyers` and the courts for the ill-treatment meted out to witnesses in criminal cases. As reported, the Supreme Court has observed that it has become more or less a fashion to have a criminal case adjourned again and again till the witness tires and gives up. It is the game of unscrupulous lawyers to get adjournments on one excuse or the other till a witness is won over or is tired. Not only that, a witness is threatened; he is abducted; he is maimed; he is done away with or even bribed. A witness also suffers inside the courtroom. He has no place to sit and no place even to have a glass of water. And when he does appear in court, he is subjected to unchecked and prolonged examination and cross-examination and fines himself in a hapless situation. For all these reasons and others, a person abhors becoming a witness.

(c)to(f) The Law Commission of India, which undertook a comprehensive review of the Criminal Procedure Code, 1973, has, inter alia recommended `Protection and facilities to witnesses`. The 154th Report has already been laid in the Parliament. The Report is under process in the Ministry of Home Affairs in consultation with State Governments.